



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
*"Creating Community Through People, Parks and Programs"*

Russ Guiney, Director

July 28, 2009

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF LICENSE AGREEMENT WITH OMNIPOINT COMMUNICATIONS, INC.  
FOR THE USE OF A PORTION OF THE ALTADENA GOLF COURSE  
(SUPERVISORIAL DISTRICT 5) (3 VOTES)**

**SUBJECT**

This Board Letter requests the Board of Supervisors to conduct a public hearing and at the close of said hearing approve a License Agreement between the County of Los Angeles and Omnipoint Communications, Inc. to permit Omnipoint Communications Inc. to construct, operate, and maintain telecommunications equipment and a storage structure at the Altadena Golf Course.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find the proposed actions exempt from the California Environmental Quality Act for the reasons cited herein.
2. Find that the approval of the License Agreement, pursuant to the requirements of Government Code Section 25526.6, is in the public interest and will not substantially conflict or interfere with the use of the property of the County of Los Angeles.
3. Find that the subject agreement does not affect the operations at the Altadena Golf Course.
4. Approve and instruct the Chair to sign a License Agreement with Omnipoint Communications, Inc. for the use of a 630 square feet portion of the Altadena Golf Course, for the operation of a wireless telecommunications facility, for a ten year term with two additional five year renewal options, effective the first day of the month following approval by the Board of Supervisors.

5. Approve the rent received from Omnipoint Communications, Inc., to be used for the Altadena Golf Course improvements. This complies with the Public Park Preservation Act of 1971, which requires that any rent received shall be used for park improvements.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

This request will permit Omnipoint Communications Inc., (Omnipoint) to construct, operate, and maintain an automated communications facility for wireless telephone services (Communications Facility) at the Altadena Golf Course to provide improved telecommunications to the area.

The Communications Facility would be located in an area that is currently landscaped in the southeast portion of the parking lot of the Altadena Golf Course, in an unused area. This location is remote and virtually unseen by visitors; however, the 63 feet pole will be camouflaged to minimize any potential visual impact. Construction and operation of the Communications Facility will neither conflict with current and planned activities nor interfere with County of Los Angeles (County) business.

The Communications Facility will consist of an equipment enclosure approximately 630 square feet and a monopole antenna at a maximum height of 63 feet. The equipment enclosure and monopole antenna will be surrounded by a 6 feet cinder block wall designed to screen the enclosure from public view. This agreement is similar in terms and conditions imposed for other telecommunication facilities on County parks.

On May 31, 2005, your Board approved the establishment of the Department of Parks and Recreation (Department) Park Improvements Special Fund (PISF). The purpose of this fund is to capture proceeds from sales and leases of park land subject to the Public Park Preservation Act of 1971 (Act), which requires that any rents received in the instant lease, shall be deposited to the PISF and used for improvements at the Altadena Golf Course where and when applicable.

#### **Implementation of Strategic Plan Goals**

The proposed License Agreement (Agreement) with Omnipoint will further the County's Strategic Plan Goal of Operational Effectiveness (Goal 1), by increasing revenues and providing funding for infrastructure improvements at the facility.

### **FISCAL IMPACT/FINANCING**

Pursuant to the terms of the Agreement, Omnipoint will pay the County \$500 for the first three months of the Agreement. Following the first three months, Omnipoint Communications, Inc. will pay the County \$2,000 per month with a 3.5 percent annual increase for the remainder of the ten year term.

### **Operating Budget Impact**

Based on the recommended actions, the Department does not anticipate any one-time start-up or ongoing operating costs resulting from the installation of communications equipment. The Department is, however, expecting a revenue increase of approximately \$18,000 to its Fiscal Year (FY) 2009-10 operating budget to be addressed in Supplemental Changes to the FY 2009-10 budget. Small incremental annual increases are guaranteed for the following nine years as there is an annual rent increase of 3.5 percent built into the agreement.

The Department will address these increases in future years' budget requests as they become material and as long as the agreement is not terminated prematurely.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The County is authorized by the provision of Government Code Section 25526.6 to license its property to a public utility if your Board finds that such conveyance is in the public interest and that the interest in the land conveyed will not substantially conflict or interfere with the use of the property by the County.

Under the Act (Public Resources Code Section 5400, et seq.), the County may permit as much as ten percent of any park property – up to a maximum of one acre – to be used for non-park purposes. However, the Act requires that the County receive replacement property and/or payment in exchange for the dedication of park property for a non-park purpose and further stipulates that the County must expend any payments received to improve the non-acquired portion of the park land and facilities. The recommended action and the Agreement meet the requirements of the Act. Altadena Golf Course is approximately 59 acres and the facility is approximately 630 square feet.

The Act requires that any action to permit park property to be used for non-park purposes be taken as a noticed public hearing. Notice of this Public Hearing has been posted at the Altadena Golf Course for 45 days in accordance with the Act.

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The License Agreement contains terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to: Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No.5.135; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Omnipoint has executed the attached Agreement and will provide the required insurance policies prior to the start of this License Agreement, naming the County as an additional insured.

County Counsel has approved the attached Agreement as to form.

#### **ENVIRONMENTAL DOCUMENTATION**

The proposed project is categorically exempt from California Environmental Quality Act (CEQA) according to Sections 15301 and 15303 (d) of the State CEQA Guidelines and Classes 3 (c) and 4 (j) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, because the project provides for construction of small new facilities or structures and leasing of County property.

#### **IMPACT ON CURRENT SERVICES**

There will be no impact on current County services or projects during the performance of the recommended services.

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**CONCLUSION**

It is requested that an adopted copy of the action taken by the Board and a fully executed copy of the attached Amendment Number 1 be mailed to: Lease Administration Manager, Omnipoint Communications, Inc., 3 MacArthur Place, Suite 1100, Santa Ana, California 92707. In addition, it is requested that two adopted copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



RUSS GUINEY  
Director

RG:DM:KEH:  
SS:rc

Attachment

c: Chief Executive Officer  
Acting County Counsel  
Executive Officer, Board of Supervisors



PUBLIC NOTICES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**NOTICE OF PUBLIC HEARING CONCERNING  
ALTADENA GOLF COURSE**

**NOTICE IS ALSO HEREBY GIVEN** that a public hearing will be held before the Board of Supervisors, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, at **9:30 a.m. on July 28, 2009**, for the purpose of hearing testimony concerning the Altadena Golf Course. Interested persons will be given an opportunity to testify.

The Los Angeles County Department of Parks and Recreation will enter into a license agreement with Omnipoint Communications, Inc., granting less than one acre of land within the Altadena Golf Course for the right to construct, install, repair, remove, replace, maintain, and operate a communications system for the transmission and reception of radio communication signals.

This Agreement is authorized pursuant to Government Code Section 25526.6. This Agreement is for a maximum 20 years. The Licensee shall pay the County monthly rent in the amount of \$2000 for the first year.

Please direct all inquiries prior to the **July 28, 2008**, Public Hearing to the Los Angeles County Department of Parks and Recreation, Contracts, Golf and Special Districts Division, 301 North Baldwin Avenue, Arcadia, California 91007.

For further information call the Department of Parks and Recreation at (626) 821-4605.

**SACHI A. HAMAI  
EXECUTIVE OFFICER OF THE  
BOARD OF SUPERVISORS**